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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

MONGOLIA*

[20 April 1998]

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* The second periodic report concerning rights covered by articles 6 to 9 (E/1984/7/Add.6) submitted by the Government of Mongolia was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1984 session (see E/1984/WG.1/SR.16 and 18). The second periodic report concerning rights covered by articles 10 to 12 (E/1986/4/Add.9) was considered by the Committee on Economic, Social and Cultural Rights at its second session (see E/C.12/1988/SR.5 and 7) in 1988.

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Introduction

1. The International Covenant on Economic, Social and Cultural Rights was ratified by Mongolia on 18 November 1974. Two reports on the implementation of the Covenant had been submitted. The present, third, report is distinguished, in terms of its timing, by coverage of the period of radical changes in the country's political, economic and social lives, i.e. a transition stage to democracy and the free market.

2. Pursuant to the recommendation of the Committee, the present report deals with all provisions of the Covenant. Due to inadequate staffing of the pertinent national organizations and lack of requisite information, a partial report on the implementation of articles 13-15 of the Covenant had not been submitted in time.

Article 1

3. The right of self-determination, as referred to in paragraph 1 of Article 55 of the Charter of the United Nations, has been fully exercised in Mongolia. The Constitution of Mongolia, enacted by the State Great Hural on 13 January 1992, may be cited as a paramount safeguard of that. The Constitution, in particular its chapter I, proclaims the basis of political and economic systems of the Mongolian State: national sovereignty, and the democratic principles of governance and citizens' representation.

4. The independence and sovereignty of Mongolia are enshrined in chapter I of the Constitution. Under article 1, "Mongolia is an independent, sovereign republic".

5. The people's right of self-determination has been secured throughout the history of our country by virtue of various laws and legislative acts. Thus, in 1924 Mongolia was declared a republic, and four Constitutions (of 1924, 1940, 1960 and 1992) reiterated this.

6. At the international level, Mongolia has been actively participating in activities of the United Nations, its specialized agencies and other intergovernmental organizations in its capacity as a State Member of these organizations.

7. Mongolia has acceded thus far to upwards of 70 international conventions and treaties, including the United Nations human rights instruments such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 2

8. The Government of Mongolia has been undertaking consistent measures with a view to ensuring the full enjoyment of economic, social and cultural rights, albeit with deficient resources and opportunities.

9. Chapter II of the Constitution of Mongolia, entitled "Human Rights and Freedoms", lists the following economic, social and cultural rights of the Mongolian citizens:

(a) The right to a healthy and safe environment and to be protected against environmental pollution and ecological imbalance;

(b) The right to fair acquisition, possession and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment;

(c) The right to free choice of employment, favourable conditions of work, remuneration, rest and private enterprise;

(d) The right to material and financial assistance for old age, disability, childbirth and childcare and in other cases provided by law;

(e) The right to health and medical care. The procedures for and conditions of free medical aid shall be established by law;

(f) The right to education. The State shall provide basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State;

(g) The right to engage in creative cultural, artistic and scientific work and to benefit therefrom. Copyrights and patents shall be protected by law;

(h) The right to freedom of association in political parties and other voluntary organizations on the basis of social and personal interests and opinion. Political parties and other mass organizations shall uphold public order and national security and abide by the law. Discrimination and persecution of a person for joining a political party or other association or for being a member shall be prohibited. Some categories of State employees may not join political parties;

(i) Men and women shall have equal rights in the political, economic, social and cultural fields and in the family. Marriage shall be based on the equality and mutual consent of the spouses who must have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.

10. The Constitutional provision, (art. 19, para. 1) "The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, for the prevention of violation of human rights and freedoms and for the restoration of infringed rights", constitutes a legal basis for guaranteed protection and enjoyment of rights and freedoms by the citizens of Mongolia.

11. In recent years the State Great Hural has passed many new laws having a bearing on economic, social and cultural rights. These include the Law on Ensuring National Security (1992), a package of Laws on Taxation (1992), Law on Foreign Investment (1993), Law on Copyright (1993), Patent Law (1993), Law on Prohibition of Unfair Competition (1993), Law on Health Insurance of Mongolian Citizens (1993), Defence Law (1993), Law on Frontiers (1993), Law on Regulating Labour Disputes (1993), Law on Prevention of AIDS (1993), Law on the Legal Status of Foreign Citizens (1993), Law on Combating Harm from

Tobacco (1993), Law on Combating Alcoholism (1993), Law on International Treaties (1993). At the same time, with a view to making the existing legislation consistent with the Constitution, a number of laws have been revised and enacted anew, for example the Labour Code, Law on Education, Law on Protection of Cultural Memorials, Family Law, Civil Code. In addition to that, other laws, such as a package of Laws on Protection of the Environment, a package of Laws on Social Insurance, Law on Culture, Food Law, Law on Protection of the Rights of the Child, which had not existed before, have also been elaborated and promulgated.

12. As provided for in the Constitution, everyone lawfully residing within Mongolia shall be equal before the law and the court. Under article 14 of the Constitution, no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation or post, religion, opinion or education. The rights and duties of foreign nationals residing in Mongolia shall be established, as stated in the Constitution, by the laws of Mongolia and the treaties concluded with the State of the person concerned. In compliance with this, the Law on the Legal Status of Foreign Citizens was adopted by the State Great Hural in December 1993 and into force on 1 February 1994. This law governs the issues relating to the legal status of aliens, Mongolian visas, immigration, entrance to and exit from, and transit through the Mongolian territory.

13. Along with this, with a view to protecting the property and non-property relations of foreigners and their personal rights and freedoms, bilateral treaties on rendering assistance in civil and criminal matters have been concluded with 12 countries, proceeding from the principle of reciprocity. During the reporting period such treaties were established with China, the Democratic People's Republic of Korea, France and Kazakhstan.

Article 3

14. Article 14 of the Constitution prohibits discrimination on the basis of sex. In Mongolia there are favourable conditions for ensuring the equal rights of men and women in all realms of social life, including the political, economic, social and cultural domains. Thus, for example, women receive equal treatment with men in the field of education and in the establishment of wages, work, leave, social insurance and other conditions.

15. Any activity aimed at impeding women from exercising their rights equally with men shall be regarded as a criminal act and punished accordingly under article 142 of the Criminal Code, which provides that, a serious violation of the equal rights of women, causing hindrance to their participation in State public and cultural activities, shall be liable to imprisonment for up to three years or corrective work for a period not exceeding 1½ years, or an appropriate measure of public utility shall be taken in regard to an offender.

16. Refusal to hire or dismissal of pregnant or nursing mothers or mothers with children under the age of one shall be penalized according to article 149 of the Criminal Code.

17. At present, Mongolian women benefit from a variety of privileges. Thus, in conformity with the Law on Pensions and Allowances from the Social Insurance Fund, passed in June 1994, women who have attained the age of 55 and

have paid contributions to the pension fund for a period of not less than 20 years shall be entitled to retire with pension. Under paragraphs 2 and 3 of article 4 of this Law, women shall have the right to retire prior to the above specified time in the following instances:

(a) If they raised up to the age of 6 four or more children whom they delivered or adopted under the age of 3, and have attained the age of 50 and have paid contributions to the pension fund for a period of not less than 20 years;

(b) If they worked for not less than 20 years, of which 7 years and 6 months in harmful, hot working conditions, paying contributions to the pension fund, and have reached the age of 50.

18. At the same time, labour relations involving women are regulated also by the Labour Code, adopted in 1991, which incorporates a special chapter, "Labour of Women and Persons under Legal Age". To cite examples: to safeguard the rights and interests of women and children it is forbidden to make women with infants work at night or overtime or to send them on business trips. Apart from this, the law envisages providing women with pregnancy, maternal and childcare leaves.

Article 4

19. Pursuant to paragraph 2 of article 19 of the Constitution, in case of a state of emergency or martial law, the human rights and freedoms as defined by the Constitution and other laws shall be subject to limitation only by law. Such a law shall not affect the right to life, the freedom of thought, conscience and religion, as well as the right to be free from torture and inhuman and cruel treatment.

Article 6

20. The most fundamental and key document declaring the right to work is the Constitution. Under paragraph 4 of article 16 of the Constitution, the citizens of Mongolia shall have "the right to free choice of employment, favourable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work".

21. Our country is a party to a number of ILO conventions, including the Employment Policy Convention, 1964 (No. 122) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

22. As of 1996, the labour force of Mongolia had reached 1,137,200 of whom 69.6 per cent, or 791,800, were employed. Young people aged 16-35 made up 59.0 per cent and women constituted 47.4 per cent of the labour force. In 1990 the number of unemployed was 45,700, this figure gradually increased by the end of 1996 to 227,200, of whom 55,400 were registered with the central and provincial labour exchanges, constituting a core of jobless actively looking for employment. In recent years, the unemployment rate has gone up from 3.0 per cent to 6.5 per cent.

23. In contrast to the causes of unemployment in earlier years which were in the main associated with staff reductions or the abolition of State entities, in 1996 84.1 per cent of the unemployed were graduates of secondary schools

and vocational training centres and demobilized members of the military. Unemployment hits predominantly those without a profession, unskilled or low-skilled young people, women and the disabled. Thus, 51.4 per cent of the total number of jobless are women, 59.8 per cent are without a profession who have only a secondary education, 13.8 per cent have a higher or special education, and 24 per cent are graduates of vocational training centres.

24. If one looks at the geographical distribution of unemployment, Uvurkhangai, Bayan-Ulgui, Gobisumber, Selenge, Dornod, Bulgan, Gobi-Altai and Zavkhan provinces take the lead in the number of unemployed per 10,000 able-bodied persons. The capital, Ulaanbaatar, hosts 16.4 per cent of the workless.

25. The Government of Mongolia is undertaking the following measures to increase employment and cut down joblessness:

(a) To set up and operate labour exchanges at provincial and district levels;

(b) To found a "Pool for Support of Employment" to promote initiatives of citizens and economic entities to create new jobs through provision of soft loans;

(c) To mandate provincial governors and the capital city mayor to contrive new jobs using local resources;

(d) To direct the attention of international organizations and donor countries to the issue of curtailing unemployment, and to request them to allocate a specific amount of credits and aid to that end;

(e) To preserve the existing jobs through supporting small and medium-size entreprises.

26. "The National Programme on Curtailing Unemployment" was approved by the Government in October 1995. The document formulates the Government's policy on encouraging employment and reducing unemployment, determines its directions and implementation in correlation and coordination with trends of socio-economic development, capital investment and structural reform, and envisages the establishment of an adequate system of labour markets in the period 1996-2010.

27. The policy on employment in a transition period to the free market stems from the following directions and concepts:

(a) Taking into account that acquiring work experience, specialization and professional skills constitute a basic prerequisite for the employment of everyone, to rear children and youth in the spirit of esteeming labour as a basis of livelihood, to upgrade the citizens' professional skills through promoting and developing all forms of training (vocational and industrial training, internships for the out-of-work youth);

(b) To encourage creative labour, to enhance the appreciation of intellectual work, to introduce a rational structure for the employment of workers in the social sphere;

(c) To coordinate financial, monetary and exchange rate policies, to decrease the rate of inflation and secure the relative stability of the rate of the tugrik; at a macro-economic level, to increase the national reserves by means of ensuring economic growth, thereby to achieve economic stability which will increase jobs and relieve unemployment;

(d) To invest in businesses which have the potential to work effectively based on the economic resources of the country and relative national advantages, to promote and encourage employment through the establishment of small and medium-size enterprises, cooperatives and partnerships, individually or jointly;

(e) To draft and implement programmes and projects focusing upon increasing jobs and reinvigorating industry through a greater mobilization of local resource and opportunities;

(f) To eliminate environmental pollution caused by industrial enterprises; to demolish unneeded constructions and facilities; to arrange in an organized manner for the temporary employment of the jobless in new industrial cites and other work essential for the State and society;

(g) To ensure the State regulation of issues relating to the export and import of labour paying due consideration to the interests of national security, protection of the domestic labour market, and policies on sectoral structure and technology;

(h) To set up and strengthen a labour exchange, mandated with the adequate and expeditious coordination of supply and demands by organizing unemployment insurance, mediating and counselling on labour issues and implementing a pro-active policy regarding labour markets;

(i) To perfect the information system of the labour market; to institute and operate an information and mediation network on the basis of modern information techniques and equipment;

(j) To involve on a large scale both governmental and non-governmental organizations, research institutions and scholars in research and analysis of labour relations;

(k) To refine the organizational structure, work relationships and coordination among agencies in charge of formulating and executing a policy on pro-active regulation of employment and labour markets.

28. A project aiming at assisting in the creation of a national labour market, in accordance with the needs and requirements of a market economy, has been implemented since August 1995. The project is funded by an international consortium (1.2 million Ecus) and is expected to last 18 months. Under the project short-term and long-term consultants offer advisory assistance to officials of the Labour Department of the Ministry of Health and Social Care. They also assist in providing a base for devising a policy on employment and realizing a pro-active strategy applied to the labour markets of Mongolia as part of the Government's course of action. Along with this, the project will contribute to capacity-building in terms of better coordination between the activities of the Labour Department and other pertinent ministries and their social partners.

29. As part of the work on creating and strengthening an appropriate structure of employment regulation offices, a pilot information network will connect the offices of the capital city districts (Ulaanbaatar) with one town and one province. Moreover, concurrently with bringing about an appropriate structure of information and management of labour markets, training on methods of organization, counselling and information dissemination targeting the staff of labour markets is planned.

Labour force

(figures at year end, in thousands)

Indicator	1990	1991	1992	1993	1994	1995	1996
Population	2 149.3	2 187.2	2 215.0	2 250.0	2 280.0	2 317.5	2 353.3
Working age population	997.5	1 132.1	1 143.1	1 138.9	1 163.0	1 180.7	1 201.1
Labour resource:	965.4	1 041.7	1 078.0	1 083.7	1 094.9	1 111.3	1 137.2
female	489.9	513.0	529.5	523.0	539.7	547.3	548.2
working age able-bodied population	942.9	1 009	1 045	1 053	1 057	1 074	1 098
working children	2.2	9	5	9	3	4	9
working pensioners	16.3	8.1	6.6	5.4	6.8	6.7	5.3
Labour force or economically active population	808.4	851.1	860.0	844.7	861.4	839.8	847.2
Employees	783.6	795.7	806.0	772.8	786.5	794.7	791.8
Not employed	45.6	108.2	150.2	185.9	212.3	217.7	227.2
Registered unemployed	24.8	55.4	54.0	71.9	74.9	45.1*	55.4
Unemployment rate (economically active population)	3.1	6.5	6.3	8.5	8.7	5.4*	6.5
Labour force participation rate	81.8	78.7	77.7	76.8	73.9	68.5	68.0

* In connection with the State inspection of the central and provincial employment regulation offices and a revision of the registration records, the number of unemployed has dropped.

30. To increase the productivity and effectiveness of economic entities and to promote and encourage a creative labour force, in 1993 the Ministry of Population Policy and Labour, the Union of Mongolian Owners of Private Enterprises and the trade unions founded jointly the Mongolian Centre of Productivity. This centre, in collaboration with the Asian Productivity Organization, holds various training sessions and seminars on boosting productivity and labour effectiveness.

Article 7

Current status of wages in Mongolia

31. Wage-related issues are governed by the Labour Code of Mongolia.

32. The State establishes the minimum level of wages and a wage scale for State civil servants. Wages standards for the managers of State-owned enterprises and economic entities with dominant State participation are established by the administrations of the given entities and enterprises on the basis of the wage scale and wage standards for employees of the Government, other organizations and economic entities, taking into consideration their output and the availability of funds.

33. The wages of workers are established by the piece, by the hour and other forms, in relation to work output.

34. In determining the wages of State civil servants the following requirements are taken into account:

(a) To fix the same salary for identical State posts (offices);

(b) To correlate the salary with the average living standard and median wages of employees in the private sector;

(c) To propose an increase in salaries and wages when they have decreased in value by at least 5 per cent in comparison with the median wage for an analogous post in the private sector;

(d) To establish the wage scale and wage standards for the State civil servants depending on the classification of posts and seniority and according to the branch of State service and type of activities of the State organization concerned.

35. The minimum wage is determined by the Government as specified in the Labour Code, in connection with changes in the standard of living. The established minimum salary is to be followed by all economic entities and organizations throughout the country. No salary lower than the fixed minimum may be paid.

36. The minimum wage is established on the basis of the personal needs of workers, changes in the standard of living, the inflation rate, and the availability of funds. It was so fixed officially in 1991 for the first time, and henceforth has been revised five times.

The status of revision of the minimum wage

Minimum wage	Government Decree No. 199 of 1991	Revised status									
		By Gov. Decree No. 294 of 1991		By Gov. Decree No. 69 of 1992		By Gov. Decree No. 94 of 1992		By Gov. Decree No. 184 of 1993		By Gov. Decree No. 163 of 1994	
		Tug	Growth (%)	Tug	Growth (%)	Tug	Growth (%)	Tug	Growth (%)	Tug	Growth (%)
per hour	2-87	3-59	125.1	8-46	294.8	11-00	383.3	25-74	896.7	32-80	1 143.5
per month	560	700		1 650		2 145		5 019		6 400	

37. By according economic entities the right to regulate their wage-related issues on their own, the principle of equal pay for the same work, as specified in the Labour Code, became distorted and the economic entities began to compete with each other in escalating the wage level. Thus, they did not correlate the wages with work output. With a view to discontinuing this practice the Government has resolved to establish itself the wage standards for the managers of State-owned enterprises and economic entities with dominant State participation.

38. To date, due to deficient budgetary resources the salaries of State civil servants cannot be raised to the required level; hence, the appreciation of intellectual work is descending.

39. Despite a desire to establish wages at a level commensurate with the people's standard of living, this is conditioned by the economic power and financial possibilities both at macro and micro levels. The Government directs its activities to eradicating these shortcomings and hindrances and improving the system of wages.

Article 8

40. Mongolia acceded to the International Covenant on Civil and Political Rights in 1974, to its Optional Protocol in 1991, to ILO Conventions No. 87 of 1948 and No. 98 of 1949 in 1969. Thus far, our country has not ratified ILO Convention No. 151 of 1978.

41. The Law on Trade Unions guarantees the right of Mongolian citizens to freedom of association. In regard to setting up a trade union there are no conditions and requirements in terms of size of membership. However, in conformity with the Law on Amendments to the Law on Trade Unions, enacted in 1994, trade unions began to be required to be registered with a State central administrative body in charge of law and legal matters. Under paragraph 4 (1) of article 4 of this Law, "If the State central administrative body in charge of legal matters refuses to register a trade union, it shall render to this effect a well-grounded decision".

42. In Mongolia there is no legal provision having the effect of banning some categories of workers from uniting in a trade union. According to the amended Law on Political Parties, "A party body may be instituted exclusively on the basis of a territorial principle. This provision shall equally apply to other political and mass organizations running political activities, except for trade unions". In line with this, trade unions may only be formed at economic entities and organizations according to industrial and professional criteria. Currently, in accordance with the registration records at the Ministry of Justice, 12 branch trade unions uniting 400,000 workers operate in the country.

43. Under paragraph 5 of article 4 of the Law on Trade Unions, "Trade unions shall have the right to unite in a federation and to become a member of international trade union associations". The Mongolian trade unions exercised this right by joining in December 1994 the International Confederation of Free Trade Unions.

44. At present, the draft law on Collective Agreement and Negotiation, which had been initiated and elaborated by the trade unions, is being discussed by the pertinent Standing Committee of the State Great Hural.

45. Currently there are two national trade union centres. One is the Federation of Mongolian Trade Unions (FMTU) and another is the Mongolian Trade Unions' United Federation (MTUUF). The FMTU is a democratic trade unionist movement and a successor to trade unions some of which emerged as early as 1917. It has evolved into the largest national trade union embracing 12 branch unions and 21 provincial and capital city trade unions. It has some 400,000 members. Membership is on a voluntary basis, without any conditions and requirements. The membership fee does not exceed 1 per cent of the monthly salary of members. Foreign nationals working in Mongolia are free to join the trade unions.

46. The Law on Regulating Collective Labour Disputes regulates and guarantees the right to strike at a level of an economic entity or organization. Under article 1 of this Law, trade unions may strike only as a last resort to regulate relations between the parties in the course of concluding or carrying out a collective agreement. Pursuant to paragraph 2 of article 8 of the Law, trade unions shall adopt a decision to go on strike provided the majority of workers of a given entity (more than 50 per cent) consent. In conformity with paragraph 1 of article 9 of the Law, "strikes shall be prohibited in organizations mandated with defence, national security and enforcement of public order functions". Similarly, under article 15 of the Law on State Service, State civil servants may not plan, organize and participate in strikes and other activities aimed at disrupting the normal operation of State bodies. The right of the military, the police and State civil servants to strike is restricted by law. This prohibition, however, does not affect other rights including the right to form a trade union, to establish a collective agreement, etc.

Article 9

47. Mongolia thus far has not acceded to any of the ILO conventions relating to social insurance.

48. In Mongolia there are various measures of social insurance, such as allowances for sickness, maternity benefits, pensions for retirement, allowances for disability, unemployment and survival benefits, allowances for loss of work ability and family. Mongolia administers social care under two sub-branches: social insurance and social care. Citizens without income, mothers with infants under social care, children, the elderly, the disabled and the very poor are covered by social insurance.

49. There are five types of social insurance, for pensions, allowances, industrial accidents and professional illness, unemployment, and health, each of which has been allocated a separate fund (pool). There are two forms of social insurance: compulsory and voluntary. Revenues of the social insurance funds come from contributions paid by beneficiaries and employers, as well as other sources, and a subsidy from the State budget.

50. Employers are required to pay 13.5 per cent of their profit to the pensions insurance fund, 1 per cent to the allowances insurance funds, 1-2 per cent to the industrial accident and professional illness insurance fund, 0.5 per cent to the unemployment fund, and 3 per cent to the health insurance fund. Compulsory contributors pay 5.5 per cent of their income to the pensions insurance fund, 1 per cent to the allowances insurance fund and 0.5 per cent to the unemployment insurance fund. Voluntary contributors pay 9.5 per cent to the pensions insurance fund, 1 per cent to the allowances insurance fund and 1 per cent to the industrial accident and professional illness fund.

51. From the pensions insurance fund shall be paid pensions for retirement, disability and survival benefits; from the allowances insurance fund allowances for temporary loss of work ability and funerals; from the industrial accident and professional illness insurance fund allowances for temporary loss of work ability, payments associated with recovering work ability, disability and survival benefits; from the unemployment insurance fund unemployment benefits and tuition for vocational training.

52. As of 1995, 78 per cent of employers and 88.7 per cent of employees were covered by the system of social insurance.

53. Benefits for pregnancy, maternity, childcare, allowances for multiple births, etc. are disbursed from the State fund for social care, which is entirely fed by the State budget. In 1995, allocations from the State budget accounted for 31.9 per cent of funds spent on all types of pensions and the remaining 68.1 per cent were recovered from contributions. So far, a system of social insurance covering the private sector has not formed yet in Mongolia.

54. In our country there are citizens who are not yet in a position to exercise in full their right to benefit from social insurance. These are normally people who had worked and paid contributions for a few years only. Such citizens receive care benefits from the State. The Government pursues a policy of involving as many citizens as possible in the system of social insurance. It is gratifying to note that as a result of implementing a poverty alleviation programme citizens earn income and, accordingly, the ranks of the insured are expanding.

55. Prior to 1990, trade with the member countries of the CMEA used to account for 93 per cent of the country's foreign trade turnover. Given the significant size of soft loans and gratis aid from the former Soviet Union, the Mongolian economy, as a whole, had an export market, closely tied to the Soviet centralized economic system, and a guaranteed import supply; animal husbandry and agriculture came to have an appropriate weight in the nation's economy and other branches, including mining, textile, food, construction, transportation, communications and energy, had been increasingly strengthening. All this contributed to push the average annual growth rate of national income to 6.5 per cent.

56. Since the early 1990s a path of democratization of the political system and transition to a market economy has been chosen. The new Constitution, promulgated in 1992, legitimized this choice. As a result of the transition economic growth has declined and productivity has dropped off. Given the difficulties and strains of the transition period, the Government opted to sustain the previous achievements in the social sector and not to allow living standards to depreciate. Despite the privatization of more than 80 per cent of the property selected for privatization and more than 90 per cent of the livestock, poverty began to blossom in the country. Poverty, which has emerged recently in Mongolia, appears to be due to several underlying causes.

57. With the falling apart of the socialist system financial support from the former Soviet Union was discontinued and the economy was hit by a crisis: prices went up, inflation was rampant and unemployment flourishing, all of which affected adversely the cash income of the population, education, health, the quality and distribution of social services, and ultimately paved the way for poverty. To some extent, factors such as a mentality of habitual reliance on assistance and care and a lack of wisdom to survive in a totally new environment have also become catalysts.

58. Beginning in 1992, the Government of Mongolia has been establishing minimum standards of living separately for urban and rural areas, which are revised every six months in accordance with fluctuations in prices and the level of inflation. The minimum standard of living is established on the basis of baskets of indispensable things such as food, clothing, lodging and items of hygiene, calculated according to the population segments in urban and rural areas.

59. People with an income not exceeding the minimum standard of living established by the State are referred to as poor; households with an income less than 40 per cent of the minimum standard of living per capita or persons unable to meet at least their food needs are categorized as extremely poor households and citizens. Based on a traditional orientation of evaluating the standard of living, poverty is being perceived in connection with factors relating to property - not only income, but human qualities such as knowledge, culture, ability, mentality and morale.

60. At the end of 1996, 20.1 per cent of the total number of households in Mongolia and 19.7 per cent of the population of the country lived in poverty. Low income families and households with many children, single mothers, the disabled, orphans, half-orphans and the single elderly are those vulnerable groups of the society hit by poverty: 28 per cent of the total number of poor households were those with four or more children, 35.6 per cent were those in

which not a single member was employed in an economic entity or organization, 25.5 per cent were single mother families, 46.9 per cent of the poor were children under 16 years old and 10.7 per cent were elderly. In our country material poverty (property, income) goes in tandem with intellectual poverty (knowledge and culture, ability). A trend towards ascending illiteracy is apparent.

61. Although rural people have begun to become owners of livestock and other property, they are yet largely underprivileged in terms of access to health care, cultural services and information.

62. With a view to attack the causes of poverty and to design and develop an appropriate policy for overcoming poverty, the Government of Mongolia endorsed in May 1994 the National Programme on Poverty Alleviation which is now being successfully implemented. The main objective of the programme is to reverse the current tendency towards depreciation of the standard of living and degradation of the level of human development so as to bring poverty to a level not exceeding 10 per cent of the population by the year 2000.

Article 10

63. Revering and respecting human rights and freedoms and ensuring the equal rights of men and women constitute one of the priority directions of State policy.

64. Mongolia acceded to the Convention on the Political Rights of Women in 1965 and to the Convention on the Elimination of All Forms of Discrimination against Women in 1981. The State policy on ensuring the equal rights of men and women is being implemented through the Constitution of Mongolia, the Labour Code, Laws on Social and Health Insurance, laws on health and education and other legislative acts enacted in conformity with those Conventions.

65. Article 16 of the Constitution provides legislative guarantees for the equal rights of men and women in the following way: "men and women shall have equal rights in the political, economic, social and cultural fields and in the family. Marriage shall be based on the equality and mutual consent of the spouses who must have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child". The Constitution of Mongolia, as well as other legal acts issued in conformity with it, provide both men and women with the rights to education, choice of profession, employment, medical care, pensions and allowances, free choice of place of residence, participation in the government of the State directly or through representative bodies, to elect and be elected to the State bodies.

66. Pursuant to the Labour Code (1991), it is prohibited to lay off women with children under two. Mothers are entitled to 45 days of pregnancy leave and 56 days of maternity leave; those who delivered twins or had deliveries with complications are accorded 70 days of pregnancy and maternity leaves, with full salary. The law envisages that if mothers so desire, they may be granted a child-care leave until their children become two years old (in case of twins three years old), with an appropriate allowance and preservation of their jobs.

67. The Law on Social Insurance has been in effect since 1 January 1995. According to its general requirement, women who have attained the age of 55 and have paid pension insurance contributions for not less than 20 years shall have the right to retire with pension. This requirement is five years less than that established for men. Moreover, women who raised up to the age of 6 three or more children whom they had delivered or adopted under the age of three and who reached 50 and paid contributions to the pension fund shall be entitled to retire with pension.

Article 11

68. The Constitution of Mongolia proclaims the right of citizens to be sufficiently supplied with good quality, safe and clean foodstuffs; this notion has been subsequently reflected in the Law on Food (1995) and other laws and regulations, which in their aggregate formed the national legal framework for regulating the multifaceted social relations emerging in connection with food and nutrition.

Food supply

69. Products from farming, nomadic and intensive animal husbandry adapted to the natural and climatic conditions of the country, cereals, vegetables, fruits and berries, as well as some imported foodstuffs such as rice and sugar, make up the bulk of food supply for the population.

70. The Government of Mongolia has established the average food consumption standard on the basis of 12 main types of foodstuffs, at 3,136 Kcal per day and accordingly specified the composition and amount of carbohydrates, fats, proteins, vitamins and minerals needed.

71. In the last five years of transition to a market economy and social reforms, due largely to external factors, the economic crisis continued and the productivity of the key branches of the national economy dropped drastically. Thus, compared to 1990, the gross agricultural product in 1994 decreased by 11.8 per cent and in 1995 by 6.0 per cent, and the gross industrial product in 1994 fell by 38.7 per cent and in 1995 by 31.4 per cent.

72. The table below shows how a decline in the productivity of the food industry and in agriculture affected the per capita food consumption standards, by the main items of food supply:

Type of food	Average consumption (in kg)	Real consumption (per year)			Comparison (%)	
		1989	1994	1995	1995/1989	1995/1994
Meat and meat products	92.5	93.1	96.1	96.7	103.9	100.6
Milk and dairy products	270	120.7	120.0	125.5	104.0	104.4
Flour and flour products	114	105.3	82.1	94.3	89.6	114.8
Rice	20.2	12.4	10.7	8.7	70.1	81.3
Butter	7.0	3.0	3.0	4.2	140.0	140.0

Type of food	Average consumption (in kg)	Real consumption (per year)			Comparison (%)	
		1989	1994	1995	1995/1989	1995/1994
Sugar and sweets	25.0	23.6	10.4	8.7	36.9	83.7
Fruits	35.0	12.1	0.5	0.4	3.3	80.0
Potatoes	65.0	27.4	13.0	11.3	41.2	86.9
Vegetables	66.0	21.5	4.8	7.9	36.7	164.6
Eggs	50.0	26.9	3.5	2.5	9.3	71.4
Fish and fish products	1.3	1.3	0.9	0.7	53.8	77.8
Animal and vegetable oil	7.0	4.1	1.7	3.7	90.2	217.6

73. The average caloric content of food per person in 1995 was 2,277.61 Kcal which is less by 343.05 Kcal compared to 1989 figures and which suffices to supply only 72.6 per cent of the physiological need for food of a human being. Proteins of animal origin accounted for about 80 per cent of daily food intake in 1995.

74. The manifest deficiency in carbohydrates is explained by inadequate consumption of foodstuffs rich in carbohydrates such as rice, sugar, sweets, potatoes, vegetables, fruits and berries. Conditioned by this is a deficit in vitamins and minerals vital for a human body.

75. Prompted by the critical situation in food supply, and based on the declaration adopted by the World Conference on Food and Nutrition held in 1992, a survey was conducted from the beginning of 1993, the findings and conclusions of which were used in the elaboration of the National Programme on Food and Nutrition of a Mongolian, which was endorsed by government resolution in 1994. With the implementation of the programme, appropriate targets will emerge for better food supply for the population, for the smooth production of quality foodstuffs in sufficient quantity all year round, and for the adequate supply of the requisite raw materials and imported food.

Expenditures for food from the family budget

76. According to a selective survey carried out in 1993, the caloric content of the daily food intake of a poor person was on average 1,240 Kcal, which accounted only for 30 per cent of physiological requirements and which was fraught with serious danger to the health of the whole family. Findings showed that such poor families spent the largest share of their revenues to meet their food needs.

77. The Statistical Office of Mongolia announces annually data on median incomings and expenditures per household and their composition for urban and rural areas. Judging from this data, average revenue and expenses per household are in balance, which attests to the low standard of living and

scarcity of savings and property of the majority of the population. In particular, a line of expenditure for food reaching 51.96 per cent is very high.

Average expenditure per household for 1995

	State	Capital	Aimag (province) centre	Soum (provincial district) centre	Countryside
Total expenditure of household	33 819.2	40 521.4	37 522.6	29 974.9	26 532.3
1. Foodstuffs	16 234.0	21 863.4	18 079.3	12 424.4	11 806.7
Meat and meat products	3 543.7	6 816.2	4 701.7	1 161.3	143.6
Milk and dairy products	878.5	1 875.5	1 056.0	233.7	27.8
Flour and flour products	5 936.3	5 530.0	6 020.8	6 138.3	7 078.7
Rice	944.9	903.1	799.6	1 035.8	1 279.0
Sweets and fruits	1 283.1	1 313.9	1 497.4	1 253.9	1 064.0
Potatoes and vegetables	883.7	1 926.0	925.2	256.9	189.0
Vodka and wine	1 016.3	952.4	1 340.1	1 020.3	650.1
Cigarettes	473.8	544.5	479.8	468.2	438.5
Other foodstuffs	1 273.7	2 002.0	1 258.8	856.2	936.2
2. Expenditure for non-foodstuff products	11 146.8	9 346.9	11 654.4	12 393.3	12 630.9
Cotton, fabric	912.1	146.4	529.6	1 309.3	2 369.2
Clothes	1 876.1	2 205.8	2 482.5	1 522.4	957.6
Shoes	2 253.4	1 513.4	2 209.8	2 783.0	3 032.5
Cultural items	772.3	677.2	941.4	979.2	402.0
Household utensils	1 573.6	1 377.3	1 473.7	1 735.3	2 025.5
Medicines and beauty products	418.6	480.6	498.9	373.2	293.6
Fuel	538.9	660.3	782.6	397.6	162.6
Products and services of private sector	1 712.4	1 394.3	1 652.0	2 209.0	1 805.5
Other goods	1 089.4	891.7	1 084.0	1 084.0	1 582.5
3. Expenditure for non-material things	6 126.2	8 589.2	7 702.7	4 784.3	1 996.8
Entertainment	54.5	59.3	51.5	73.3	32.5

	State	Capital	Aimag (province) centre	Soum (provincial district) centre	Countryside
Transportation and communication	1 063.4	1 773.5	1 191.3	771.8	250.6
Accommodation	1 634.4	3 073.8	2 022.2	763.5	121.1
Public services	263.0	449.0	347.7	128.3	40.3
Tuition for training	278.3	564.4	263.6	196.7	23.1
Health services	355.0	303.2	511.4	332.7	214.8
Taxes	473.0	384.1	772.3	377.8	230.1
Others	2 004.1	1 981.9	2 542.7	2 140.3	1 084.3
4. In saving accounts	312.3	721.9	86.2	372.8	97.9

Analysis of the status of food safety

78. Macroeconomic policy. In order to achieve the objective of a smooth transition to a market economy, of late the Government has been working on reversing a decline and stabilizing the national economy to lay down a basis for further development. State property and the property of State cooperatives have been dispersed; trade, service organizations and livestock, in the main, have been transferred to private ownership and the bulk of the manufacturing industry is currently being privatized. Putting into effect key measures of the macroeconomic policy for transition to a market economy will revive and ensure the sustainable development of national industry, inter alia the food industry.

Factors affecting sustainable food supply

79. Agricultural infrastructure. As a result of privatization, the previous system of production, distribution and trading of agricultural products has fallen apart and in the interim period the living conditions of rural employees have deteriorated. Remote from markets and limited in terms of transportation and energy supply, the rural population and producers have been facing hardships in selling their products at a price that would allow them to recover expenses for raw materials and labour costs. As a consequence, they live with a shortage of consumer goods and cash money and occasionally practise barter. Due to the relative backwardness of the rural industry, working conditions and cultural services, immigration from the provinces to the capital has become a noticeable phenomenon. Given this, developing the provinces, all-round support for rural producers, providing households with equipment and techniques and building up the rural infrastructure are the needs of the hour.

80. Farming. Due to an economic decline during the transition period farm production has dropped. The Government has been developing a programme to revive farming. At the State conference of farmers, held in November 1996, a number of issues were identified as priorities, i.e. to renovate techniques and technology, to boost productivity and become self-sufficient in seeds, to

produce domestically and improve the supply of fertilizers and pesticides, to set up a fund to support farming and to provide credits from this fund for technical renovation and production of fertilizers and pesticides, to centralize the shares of privatized farming entities in a few persons who possess adequate professional knowledge and management skills. In line with these objectives, the Government passed resolution No. 49 creating a fund for supporting farming and purchasing cereals under State authority. However, due to the lack of financial resources the setting up of this fund has been suspended. Work on drafting a project on technical renovation of farming, collecting comments and revising them is under way. This project is expected to cover the period until 2005 and US$ 180 million are estimated to be required for its realization. Again, given the unavailability of funds, it is planned to seek assistance from international organizations and donor countries.

81. Pursuant to the Government's decision in June 1997 a Department for Agricultural Control was instituted.

82. A goal to become self-sufficient in potatoes and other main vegetables by the year 2000 has also been set, and to this end specific programmes and projects are scheduled to be implemented.

Import of foodstuffs

83. In connection with a significant fall in the production of crops and foodstuffs from the very beginning of the transition, the role of imports has increased in meeting the local demand for food. The following figures give a clear picture of the constant rise in the import of food in the last three years. Thus, according to customs statistics, in 1994 food imports totalled US$ 17.7 million, while in 1995 this figure reached US$ 31.8 million and in the first nine months of 1996 it was US$ 34.3 million.

84. On the basis of regular surveys of the balance between the production, supply and demand for the main food items such as flour, rice, sugar, green tea and vegetable oil, pertinent measures are being taken with a view to improving the situation. Thus, as of 1 January 1994 customs duties for the import of flour have been lifted. Along with this, flour has been imported from donor countries. Moreover, given the negative balance of flour to live on until the 1996 harvest, the Government released Tug 1 billion for soft loans for importing flour.

85. Sugar and rice are two items that are exclusively imported. Therefore, the Government supports and has already started implementing projects on cultivating locally appropriate plants and establishing industry to process them to enable the domestic production of finished products. At the same time, it has been administering a policy of light customs duties for the import of sugar and rice.

Gratis food aid

86. Allocating some parts of aid funds from donors, e.g. Japan, the Russian Federation, China and Italy, for the purchase of main food items had been measures of great importance for balancing market supply and demand in

food. Thus, one may mention in this regard many examples - more than 20 tons of rice from Taiwan, 2,000 tons of butter from the United States, flour from Japan, etc.

87. Thanks to the policy of directing soft loans and aid rendered to Mongolia for the purpose of boosting the development of small and medium-sized food enterprises to the procurement of compact flour mills, the number of small enterprises of this type multiplied and production is increasingly going up. Projects to process vegetable oil are also promoted from credit funds from foreign countries.

Food export

88. Meat and meat products used to be predominant items of food export; however, in recent years their export has dramatically fallen: in 1994 the export of meat products totalled US$ 7.2 million, in 1995 US$ 3 million, and in the first nine months of 1996 US$ 3.1 million.

Quality of foodstuffs

89. Control over the quality of foodstuffs, both local production and imported, is not being carried out on an appropriate level. Attention is being paid to the matter of directing donor aid to the formulation and implementation of a project aimed at setting up an organizational structure and system for controlling the quality of imported products.

Urban construction and human settlements

90. From ancient times the Mongolians used to dwell in yurts and were engaged in livestock breeding. Nowadays, Mongolia is a country where the settled way of life has blended with the specificity of nomadic civilization. In 1994, the population of Mongolia reached 2,250,000, more than one quarter of whom lived in the capital, Ulaanbaatar. Apart from the capital, the settled way of life is dispersed in 20 provincial centres and 300 rural settlements.

91. Issues pertaining to urban construction and housing have been regarded as an integral part of State policy and developed according to a specific line of action. Beginning in the 1990s work on refining legislation on urban construction and housing, revising pertinent technical norms and standards in accordance with new social and economic settings, has been under way. Thus far, the Laws on Housing Privatization and on Common Ownership of Apartments have been enacted in conformity with the new Constitution, the Land Law and environmental laws; the draft Laws on Urban Construction and on Housing have been submitted to the State Great Hural.

92. Within the framework of the urban construction policy, guidelines on human settlements, formulated in 1992-1996 in the spirit of the two Habitat conferences, have also been presented to the State Great Hural by the Government. This document puts forward as a target the development of relatively autonomous settlements, capable of competing with other regions and underpinned by the appropriate networks of roads, transportation, energy, communications and information flows, which will ultimately promote infrastructure for the social and economic development of the country. With the phased implementation of the project it is expected to halt the population

influx to the capital, to decentralize the urban concentration, to even out differences between the levels of socio-economic development and standards of living in remote parts of the country, to ensure the priority development of regional centres and the balanced development of all regions. To this end, it is planned to allocate funds on an annual basis from both the State and local budgets.

Housing

93. During the period of the centralized economy from 1971 to 1990, 5,632,000 m^2 of housing were constructed; from 1990 until now this figure has fallen to 946,500 m^2. At present, 24 per cent of the population live in 94,000 apartments, covering 4,887,500 m^2. Housing supply in the capital accounts for 49.3 per cent, in Darkhan-Uul province 59.6 per cent, in Orkhon province 61 per cent and in other provinces about 15.2 per cent. Of the total number of households in the country 64 per cent live in yurts, 22 per cent in apartments, 1 per cent in houses built privately according to construction plans, and 14 per cent in private houses erected according to the builder's possibilities. Living space per person in urban areas is 7.7 m^2, and in provinces 5.6 m^2.

94. Since 1990 investment in housing construction has dropped dramatically and issues of creating the requisite legal framework for ushering the housing sector into a market economy environment, modifying housing ownership relations, and rationalizing the structure and organization of the housing sector were constantly addressed.

95. The constitutional provision on the right of the citizens "to live in a healthy and safe environment" may rightfully be regarded as a key requirement applied to housing which constitutes living space for a human being. Other constitutional provisions - "Illegal confiscation and requisitioning of the private property of citizens shall be prohibited" and "Privacy of ... residence shall be protected by law" - provide a legal basis for safeguarding the property rights of apartment owners.

96. In planning, erecting and using housing, appropriate hygienic standards and regulations are followed. Of the total number of households, 64 per cent or 284,200 live in yurts and 14 per cent or 70,912 live in privately built dwellings; in other words, 48 per cent of all households stay in places not connected to clean water, sewage drain or central heating systems.

97. The objective of the draft Law on Housing, which is currently being elaborated, is to increase the housing supply, to govern relations connected with the improvement of the quality of housing and the use of public housing, and to set up the pertinent legal basis and operating system. The draft envisages the possibility for professional organizations, irrespective of the type of ownership, to undertake construction and renovation works on the basis of licensing. Private organizations are increasingly engaged in housing construction. In the future, to increase the housing supply in the country it seems to be possible to involve the private sector on the basis of a tender, providing it with State funds.

Article 12

98. The right to health protection and medical care is proclaimed in the Constitution (art. 16).

99. Under article 3 of the Law on Citizens' Health Insurance, enacted in 1993, the citizens of Mongolia, regardless of whether they are insured, shall be provided with the following gratis medical aid:

(a) Check-ups, analysis and treatment offered by the State polyclinics, dispensaries and household (soum) doctors;

(b) Ambulance services;

(c) Hygienic and epidemiological services, inoculations, disinfecting the sources of infectious disease;

(d) Check-ups, analysis and treatment during pregnancy, delivery and the post-natal period (only for reasons related to pregnancy and delivery);

(e) TB, HIV/AIDS, inherited diseases, diabetes, other illnesses requiring an equally lengthy recovery treatment, cancer, mental disorders;

(f) Natural disasters dangerous for the public, treatment of persons who contracted a disease during the outbreak of an infection;

(g) Treatment of persons who have been injured or contracted a disease while rescuing others or preventing damage during a situation of defence or extreme necessity.

Expenses associated with the above services are born by the State-run medical institutions whose disbursement shall be recovered from the State central and local budgets. In all circumstances other than the above-mentioned cases medical treatment is subject to payment.

The current status of the health sector

100. In the 70 years up to 1990, the health sector of Mongolia had been marked by significant achievements. An appropriate medical infrastructure service had emerged according to the per capita numbers of doctors, medical personnel and hospital beds. Mongolia was ranked relatively highly among countries, diseases such as relapsing fever and smallpox had been eradicated and infant and maternal mortality had decreased by eight and four times respectively, which led to a fourfold increase in the population.

101. Figures from 1995 show that of the more than 2,000 medical establishments existing in the country 63 were polyclinics, 40 ambulance stations, 822 household clinics, 22 blood transfusion stations, 34 united hospitals, 4 child clinics, 12 specialized centres, 15 professional sanatoriums, 23 health centres, 953 medical assistant units, 13 hygienic and epidemiologic branches, 23 social health centres, 5 sanatoriums and resorts, 4 medical institutes, 292 drug supply units, 235 private medical establishments and 88 other organizations. However, the health care system

which used to operate prior to 1990 had been more appropriate in terms of even coverage of the population by medical services and their provision by the State free of charge.

Reform of the health sector

102. By mid-1980s the health sector had exhausted its positive potential, hence it could no longer yield effectiveness in terms of the invested funds. It had become quite clear that in the cause of health protection individuals, groups (a family, an economic entity) and the State should be involved equally, State-run medical establishments should operate in parallel with private ones, and health expenses should be recovered on the basis of applying a combined form which would include both compulsory and voluntary health insurance, as well as direct payment. In line with these directions the Government has been undertaking a series of consecutive reform measures:

(a) The adoption of legislative and other measures such as the "Guidelines on Demography" approved by presidential decree; the Laws on Prevention of HIV/AIDS and on Combating Tobacco Harm and Alcoholism passed by the State Great Hural; the National Programme on Child Development in the 1990s; the National Programme on Immunization, etc.;

(b) The introduction of health insurance for citizens (in the period from 1 January 1994 to 1 November 1994, 92.4 per cent of the population had been covered by the insurance scheme);

(c) The development and strengthening of a private health sector (to date, about 200 private medical establishments operate in the country);

(d) Improving the management capacity and financial management of medical organizations (since 1990 more than 200 people have undergone training abroad in this field; beginning in 1994 regular training sessions on "Health management" have been conducted at the Institute of Professional Advancement of Medical Workers with assistance from WHO).

103. This reform is taking place under tremendous financial and material constraints, relying largely on the humanitarian efforts of medical personnel and technical and financial support from the world community, in particular the United Nations agencies such as UNICEF, UNFPA and WHO, as well as donor countries including Japan, the Netherlands, Denmark, United States of America and the European Union.

The status of public health

104. In Mongolia the average life expectancy at birth (1996) is 62.1 years for males and 65.43 for females and at age 65 it is 18.97 for females and 16.48 for males, 1.6 years longer than in 1992. This is, in the main, explained by the prolongation of the average female lifespan. The difference between the male and female average life expectancy is comparable to international standards.

105. Since the 1980s, as a result of a progress in vaccinations and wide application of oral dehydration therapy for diarrhoea, the incidence of acute respiratory diseases, diarrhoea, viral hepatitis and some other infectious illnesses constituting the main causes of infant mortality has noticeably

decreased. As from 1992 measles ceased to be a killer; as from 1994 no infectious meningitis had been registered. The infant mortality rate in 1995 went down by 51.2 per cent compared with 1990; consequently, according to the UNICEF classification, Mongolia has moved from the ranks of countries with a high rate of infant mortality to the group of countries with an average rate of infant mortality.

106. Though birth rate lowered significantly due to a decrease in the mortality rate, both of infants and in general, the net population growth per annum is above 1 per cent, which keeps Mongolia among the nations with a rapidly expanding population. Today, the birth rate is 23.7 per cent, the mortality rate 7.3 per cent, net growth 16.4 per cent. As of 1995, per 10,000 persons there were 24.5 doctors, 58.7 medical assistants, 96 hospital beds; the infant mortality rate and under-five mortality rate was 44.4 and 62.0 per 1,000 respectively; the maternal mortality per 100,000 deliveries dropped to 175; and a number of infectious diseases per 10,000 persons fell to 141.

107. As opposed to the decline in infectious diseases, the incidence of non-infectious diseases is in the ascendance. Surveys show that some life patterns, like smoking, alcohol consumption, lack of physical exercise and movement, contribute greatly to the rise of non-infectious diseases. Heart diseases constitute one of the major causes of death in Mongolia. Of all deaths in 1996, 32 per cent were caused by cardiac diseases, among which hypertension, haemorrhage and heart attack prevailed. High blood pressure is increasingly gaining ground, mainly due to smoking and excessive use of salt. More than half of those who died in 1995 were under 65. According to a survey on the causes of mortality, haemorrhage and hypertension originated in an acute deficiency in the functioning of tiny heart veins.

Problems in the health sector

108. Along with the above-mentioned positive shifts and achievements, the health sector has encountered a number of topical problems which require appropriate resolutions:

(a) Depreciation of the material base of medical organizations, i.e. equipment, instruments and ambulances, and a policy on replenishing the base has yet to be finalized;

(b) Lack of planning and management capacity in rural areas;

(c) In urban areas (especially in the capital) there is a surplus of medical personnel while in the countryside, in particular at soum and bag levels, the number of doctors and medical assistants is deficient;

(d) Due to the shortage of funds a decision was taken to set up one Diagnostic and Treatment Centre for two provinces, Khovd and Dornod;

(e) Low effectiveness of investment;

(f) The supply of medicines and chemical substances for laboratories is not yet normalized;

(g) Timely diagnosis and treatment are often delayed due to the multiplicity of levels in the composition and organization of medical organizations;

(h) A tendency towards an increase in the incidence of scabies, dysentery, salmonella and hepatitis A, in connection with a weakening of hygienic oversight and a deterioration of peoples' education level and personal and environmental cleanness;

(i) Inadequate oversight over the quality of both imported and domestically produced foodstuffs;

(j) The sectors of socially vulnerable people, specifically in terms of their health conditions, are sharply growing, including those who have become drug and alcohol addicted due to their inability to cope with new social settings, street children, single poor elderly people, households with many children headed by women, etc.

Health sector financing

109. In the 70 years up to 1991, the health sector had been financed from the State budget. Under the centralized economy, 5 per cent of GDP or 8 per cent of the State budget used to go for the health sector.

110. A health insurance system was introduced in the country in 1994 and according to 1996 data, 96 per cent of the population had been covered by the health insurance scheme by then. The table below shows national health expenditures in 1985-1996, in million tugriks:

Years	Recurrent expenditures	Investment	Total expenditures for health	Percentage of GDP	Percentage of the State budget	Expenditures per capita
1985	389.7	41	430.7	4.6	7.5	177
1986	405.4	84.3	489.7	5.2	8.1	258
1987	421.7	79.7	501.4	5.2	7.8	257
1988	449.8	71.5	521.3	5.1	7.7	261
1989	477.1	74.5	551.6	5.1	7.8	270
1990	486.7	73.6	560.3	5.3	8.5	276
1991	932.7	146.2	1 078.9	5.7	12	510
1992	1 690.9	172.4	1 863.3	3.9	15.1	768
1993	6 661.8	89.4	6 751.2	4.1	10.9	3 048
1994	11 609.8	144.9	11 754.7	4.1	11.6	5 224
1995	16 930.8	153	17 084	4.4	11.6	7 493
1996	19 673	224.6	19 897.6	3.2	13.2	8 612

111. Although the health budget as part of the State budget during the transition period has not decreased in monetary terms, in real terms it was significantly less, hence the impossibility of providing medical services at the previously achieved level.

Measures to influence the health sector

112. Among measures to promote the advancement of the health sector the following programmes and plans may be cited:

(a) The National Programme on Child and Maternal Health and Family Planning (1993-1996);

(b) The National Programme on Child Development until 2000 (1994-2000);

(c) The National Programme on Combating HIV/AIDS (1994-2000);

(d) A programme on poverty alleviation (1994-2000);

(e) The National Programme on Employment (1995-2000);

(f) The National Programme on Reproductive Health;

(g) A programme on adolescent health;

(h) A programme on the health of the elderly;

(i) A programme on health education;

(j) The National Programme on Nutrition and Food Measures;

(k) The Women Empowerment Programme.

Objectives of the health sector

113. The health sector is targeting the following objectives:

(a) To maintain and ameliorate the health of the people, in particular of vulnerable groups of the population;

(b) To increase health awareness and to activate the efforts of individuals and families towards health protection;

(c) To refine the management and organization of health services, to revise the location, personnel and quality of medical services at various levels;

(d) To maximize the effectiveness of budgetary funds allotted for preventive and curative service through introducing basic public and clinic treatment based on primary health care;

(e) To enhance the role of the Health Ministry in planning, managing and supervising the budgetary allocations designated for health service, in particular for preventive and public health measures and programmes;

(f) To stabilize the health insurance fund, the major source of funding for health care and to better its management;

(g) To improve planning at individual organizational and regional levels, to implement economically viable programmes;

(h) To boost private and foreign assistance, as well as other sources, to support the health sector, to increase their contribution towards better coordination and quality;

(i) To support the economically justified local production of medical equipment, notably medicines and conventional medical instruments;

(j) To upgrade the effectiveness from the use of funds for medicines, equipment, transportation, communications and other items;

(k) To improve coordination and the interrelationship between the health sector and related branches;

(l) To reorient health education towards prevention;

(m) To control and eradicate infectious diseases.

Article 13

114. As provided in the Constitution and the Law on Education (1995), everyone has the right to education and general (basic) education is provided by the State free of charge in secondary schools. Parents shall bear the expenses associated with education wider than that provided by standard secondary education (the Law on Education). Citizens are allowed to open private schools provided they meet State requirements. The Mongolian education system comprises kindergartens, secondary schools, technical and vocational schools, colleges, universities and non-formal education.

115. Per 1,000 persons there are 49 Bachelor's degree holders, 56 persons with special professional education, 105 with a full secondary education, 197 with an incomplete or basic education, 215 with primary education; the remaining 378 are without official education certificates, 77.9 percent of whom are children under 10.

116. Today in Mongolia 68,000 children are being looked after in 667 kindergartens, 418,300 children study at 658 secondary schools, 55,500 pupils are in 38 schools offering primary and intermediary professional education, 44,100 students are in 75 colleges, institutes and universities.

117. To provide equal access to education for everyone the Government has been undertaking the following measures:

(a) The National Programme on Providing a Basic Education for 1995-2000 and a plan to implement it have been followed since their approval in 1995;

(b) In 1997 a plan of activities to accomplish the National Programme on Non-formal Education was adopted and the Centre for Non-formal Education was founded;

(c) The National Programme on Pre-school Education and a plan to execute it have also been endorsed and implemented;

(d) Within the framework of a master plan on "Mongolian education and the human factor", the Ministry of Science and Education (under its former name), in cooperation with international organizations, has been formulating and implementing projects on strengthening educational institutions at all levels. Thus, on the basis of this master plan a programme on Developing the Education Sector has been launched with assistance and credits from the Asian Development Bank. According to this programme and project, the composition, pattern, location and management of all schools will be reformed, the material base of all educational establishments will be strengthened, the supply of textbooks will be improved and the teaching staff will be retrained, thereby improving the quality of education in schools at all levels;

118. Under paragraph 1 of article 4 of the Law on Education, "In Mongolia education shall be humane, democratic, continuous, accessible for all and be based on the values of the nation and the world's civilization, as well as on progressive traditions and science". In compliance with this, in Mongolia basic and full secondary education is provided free of charge and for all. Moreover, under the Law "forms and methods of education shall be various, free and open". At present, there are 8 schools based on non-State property, 365 pupils study in 5 private schools offering primary and intermediary professional education and 11,500 students study in 46 private institutes and colleges.

119. Pursuant to joint decree No. 133/198 of 1997 of the Minister of Education and the Finance Minister, beginning from the 1997/98 academic year tuition fees for the pupils of the Professional and Industrial Training Centre will be waived.

120. To make higher education accessible for all, the Government has been taking the following measures:

(a) Creating a legal basis for opening new educational institutions, regardless of ownership status;

(b) Arranging for deferral by the State of a certain percentage of tuition fees at schools based on State property;

(c) Providing soft loans for pupils coming from families with an income below the established minimum standard of living;

(d) Granting a certain number of newly enrolled students the right to receive credits from the Education Fund to sustain their study.

121. Prior to 1990 higher education had been without tuition. Only from the beginning of the transition period has it become paid. At present, 50 per cent of the newly enrolled students in State educational institutions

defer their tuition thanks to loans; the remaining part pay themselves. In the 1997/98 academic year the tuition fee was in the region of Tug 250,000 (US$ 312).

122. Considering education as a priority social sector and as a foundation for progress, it has been legislated to allocate not less than 20 per cent of the State budget to this branch. Thanks to this measure, the budget of the education sector has risen and become relatively balanced. In 1996 Tug 30.4 billion were spent on education; in 1997 it was planned to disburse Tug 37.4 billion to that end. This means that Tug 1 of every Tug 5 of the State budget is used for educational purposes.

123. The wages of teachers and other employees of the education sector are established on the basis of a wage scale approved by the Government. The teaching staff, apart from their base salaries, are entitled to supplements for skills, professional rank, correction of written works, tutoring a class, a course or a section. Supplements for skills and professional rank are fixed as a certain percentage of the base salary.

Article 14

124. The Constitution of Mongolia provides for the right of Mongolian citizens to cherish and inherit the traditions of statehood, history and culture, and for State protection of the scientific and intellectual legacy and memorials pertaining to the people's history and culture. The Constitution also secures the rights of every citizen to participate on an equal footing in political, economic, social and cultural life and family relations and to express freely their opinion in the press.

125. A product of a citizen's intellectual work constitutes his property, yet it is also part of the national wealth of Mongolia. Citizens have the right to engage in creative work in cultural, artistic and scientific fields and to benefit therefrom. In consonance with the constitutional provision (art. 16), "Copyrights and patents shall be protected by law". The Laws on Copyrights and on Patents were enacted and an office for copyright protection has been founded.

126. Under the Law on Copyrights an author of an intellectual product pertaining to the cultural or artistic domain shall have exclusive non-material and material (property) rights in regard to his product, be it any type of music, fine arts or applied arts, dancing, contortion act, pantomime, drama, movie or photography or any type of product similarly produced. The author shall be entitled to name his product, to make it public under his own name, nickname or incognito, to be mentioned by his name and to enjoy the security of his product.

127. The Laws on Copyrights and Patents provide authors with the following exclusive rights regarding the use of their products (property rights): to copy or multiply; to modify, correct and translate; to make public; to introduce; to use the © mark signifying that his copyright has been duly protected.

128. As provided in the Law on the State Budget (arts. 10-12), expenses for education, science, culture, health, sport and veterinary expenditures shall

be borne by the State. Accordingly, expenditures for the development of science and technology, as well as expenditures of educational, cultural, health and sport organizations as established by the Government, shall be covered from the State centralized budget; expenditures of educational, cultural, health and sport organizations as established by the governors of provinces and the capital city shall be disbursed from local budgets.

129. Under article 14 of the Law on Administrative-Territorial Units of Mongolia and their Governance, provincial, the capital city, soum and district governors shall be obligated to undertake measures aimed at educating the population of their respective territories, protecting their health, developing culture, the arts, science and technology, and preserving historical and cultural memorials.